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November 5, 2015

Thomas Butters, Esq.
Butters Brazilian, LLP
699 Boylston Street, 12th Fl.
Boston, MA 02116

RE: Barry Spencer Information

Dear Attorney Butters;

Pursuant to your recent request I am writing to provide to you a summary of my history with, and the status of, my client Barry Spencer in two Suffolk Superior Court cases. On January 23, 2014, I was appointed, as stand-by counsel, to represent Mr. Spencer in Suffolk Superior Court in two drug cases, 2006-10731 and 2011-10040.

In the 2006 case Mr. Spencer was charged with selling a small amount of cocaine. Mr. Spencer was convicted in 2007 before Judge Staffier-Holtz. Mr. Spencer appeared *Pro Se*. He was sentenced to 5 years to 5 years and one day in state prison. Mr. Spencer obtained a new trial in the 2006 case on Melendez-Diaz grounds in 2010. Mr. Spencer was convicted again in the 2006 case (and acquitted on one count) on October 14, 2014, and was sentenced to time served on November 17, 2014.

Mr. Spencer's 2011 cases, which are still pending, stem from two separate arrests, one on November 24, 2010, and the second on December 11, 2010. The November case has not yet been scheduled for trial. The December case is currently scheduled for trial on November 30, 2015. Both cases involve the alleged sale of small amounts of cocaine. While awaiting trial on his cases, Mr. Spencer was sent to the Bridgewater State Hospital to determine his competency. He was at the Bridgewater State Hospital from January through August 2011. Mr. Spencer has now accrued about two years of jail credit on the 2011 cases.

Shortly after my appointment in both cases the Commonwealth offered to give Mr. Spencer credit for time served on all cases if he pleaded guilty. Thus, Mr. Spencer would have been released from state custody in early 2014 if he accepted the Commonwealth's offer. Mr. Spencer rejected this offer, primarily because he feared this deal might adversely affect sentencing in his federal case.

If you have any questions, or if I can be of further assistance, please feel free to telephone me.

Sincerely,

A handwritten signature in dark ink, appearing to be 'FJ Santisi', is written over a horizontal line.

Frank J. Santisi

FJS/amn